

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORHTERN DISTRICT OF WEST VIRGINIA**

AT WHEELING

**DAVID SIMMONS,
CARLA SIMMONS, and
PATTY L. FUNKHOUSER, individually
and on behalf of all others similarly situated,**

Plaintiffs,

v.

**CIVIL ACTION No. 2:09-CV-121
Chief Judge Bailey**

**LONNIE A. PILGRIM, LONNIE KEN PILGRIM,
CLIFFORD BUTLER, O.B. GOOLSBY, RICHARD
A. COGDILL, S. KEY COKER, BLAKE D. LOVETTE,
VANCE C. MILLER, JAMES G. VETTER, DONALD L.
WASS, CHARLES L. BLACK, LINDA CHAVEZ,
J. CLINTON RIVERS, KEITH W. HUGHES, and DON
JACKSON, and**

**ADMINISTRATIVE COMMITTEE OF
THE PILGRIM'S PRIDE RETIREMENT
SAVINGS PLAN, JOHN DOE ADMINISTRATIVE
COMMITTEE MEMBER DEFENDANTS 1 TO 25, and**

**RENEE DEBAR, JANE BROOKSHIRE,
JOHN DOES 25 TO 50, and**

**PRUDENTIAL BANK & TRUST, FSB, PRUDENTIAL
FINANCIAL, PRUDENTIAL INSURANCE OF AMERICA,
PRUDENTIAL JOHN DOES 51 TO 75, and**

THE PILGRIM'S PRIDE RETIREMENT SAVINGS PLAN,

Defendants.

**STIPULATION TO EXTEND THE TIME FOR PRUDENTIAL BANK & TRUST,
FSB, PRUDENTIAL FINANCIAL AND PRUDENTIAL INSURANCE COMPANY
OF AMERICA TO ANSWER OR OTHERWISE PLEAD IN RESPONSE TO
PLAINTIFFS' COMPLAINT**

WHEREAS, Plaintiffs served their Amended Complaint on Prudential Bank &
Trust FSB ("PB&T"), Prudential Financial ("PF") and Prudential Insurance Company of

America (“PICA”) (collectively the “Prudential Defendants”) on or about December 28, 2010. Responsive pleadings from Prudential Defendants are therefore due on January 19, 2010.

NOW THEREFORE, Plaintiffs and the Prudential Defendants, by and through their counsel and pursuant to L. R. Civ. P. 12.01, hereby stipulate and agree that the time for the Prudential Defendants to answer or otherwise respond to the Complaint shall be extended to and including February 23, 2010, and respectfully request that this Court enter the accompanying proposed Order to that effect.

Dated: January 19, 2010

Respectfully Submitted,

s/Timothy F. Cogan
Cassidy, Myers, Cogan & Voegelin, LC
1413 Eoff Street
Wheeling, WV 26003
Tel.: (304) 232-8100
Fax: (304) 232-8200

Counsel for Plaintiffs

s/David Givens
s/Robert C. James
Flaherty Sensabaugh Bonasso P.L.L.C.
1225 Market Street
P.O. Box 6545
Wheeling, WV 26003
Tel.: (304) 230-6600
Fax: (304) 230-6610

Counsel for the Prudential Defendants

